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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

YEN, ERIC L

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2626

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/501,835	Applicant(s) SHIELDS, PAUL WILLIAM	
	Examiner Eric Yen	Art Unit 2626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 December 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. In response to the Office Action mailed 9/5/07, applicant has submitted an amendment filed 12/5/07.

New Claim 19 has been added.

Response to Arguments

2. Applicant's arguments filed 12/5/07 have been fully considered but they are not persuasive.

Applicant argues that Kobylevsky does not teach updating said information stored in said central store using said mobile telephone, because Kobylevsky provides "only a method whereby a medical personnel can review information stored in a central location in order to confirm that the information was recorded properly prior to transmission of the information to a pharmacy", and "does not update the information stored in the central location" (Amendment, pages 5-6).

The examiner respectfully disagrees. Kobylevsky does teach where medical personnel can review information stored in a central location but also teaches where that storage of information to be reviewed is continuously updated. Particularly, the "prescription services system" is taught to store prescription information that is transcribed and stored for later retrieval and review by a doctor, pharmacist, or other medical personal (col. 3, lines 39-57). Since the prescription information is transcribed

from what is provided by the caller and stored for later review, there exists a storage location to which that information is added. When the information is added, the contents of that storage are "updated" because the prescription information was not previously there. Otherwise, the system would not need to prompt the caller for prescription information if it already has it (which is highly unlikely since prescriptions are extremely variable based on what combination of patient name, medication name, date, dosage, etc., any given prescription contains).

Therefore, the examiner maintains that Kobylevsky teaches updating the stored information in the central location.

Applicant argues that one of ordinary skill in the art would not have been motivated to include a mobile telephone in Kobylevsky's system because "one of ordinary skill in the art would recognize that the doctor, or other medical personnel, would simply make use of what is already there. In other words, the doctor, or other medical personnel would pick up the nearest telephone" (Amendment, page 6).

While it may be true that hospitals, etc., are equipped with communication devices to adequately allow doctors, etc., to perform the prescription functions described by Kobylevsky, this does not mean that there is not some benefit to giving doctors their own mobile phone for use to access the system (i.e., in order to provide the functionality of Nelson in many different environments, as described by Nelson [paragraph 2]). The different environments could be, for example, the path that a doctor is walking on to his/her next destination, which is not likely to be possible if he/she is

tethered to the nearest telephone. The ability for a doctor to use the prescription system as he/she is walking, for example, increases efficiency because there is no standing time near the telephone. Even if the savings in time is only a few seconds, it does not change the fact that time is saved. For the same reason that any cellular phone user benefits from being able to walk and speak on the phone at the same time, this benefit can be added to the hospital environment. Similarly a cordless phone used in a house provides additional mobility and multitasking ability around the house compared to someone who needs to use "the nearest telephone", as applicant contends.

Therefore, the examiner maintains that the addition of mobile telephone use does have a benefit that one of ordinary skill would recognize and thus would be motivated to combine the teachings of Kobylevsky and Nelson.

Applicant notes that a hospital environment contrasts disclosed embodiments in which a doctor visiting a patient accesses and updates the patient's records, however the fact that the doctor is not in a hospital and is in a patient's living space is not claimed. The recitation of "remote worker" is sufficiently broad to be interpreted as just being in a different location from the storage location, and most doctors do not speak while standing directly in front of the computer containing the information. Furthermore, since Nelson teaches that mobile telephone usage allows people to use functions in different environments (paragraph 2), it more than adequately suggests that a different

medical environment would be a patient's home, in a medical context such as Kobylevsky's system.

Applicant also presumably argues that the text generated from the voice capture device is automatically sent to the pharmacy and that there is no reason to incorporate text-to-speech capability, and also argues that it is highly unlikely that the staff at the medical facility would allow their equipment to be interfered with in this manner.

Applicant's argument ignores the fact that Kobylevsky teaches where the stored prescription information can also be retrieved and reviewed by a doctor, pharmacist, or other medical personnel at a time later than when the prescription information is initially stored. This access, if by telephone (which is a capability that is at least obvious to one of ordinary skill in the art given that the storage of information is done by telephone), would logically incorporate the text-to-speech conversion specifically taught by Kobylevsky (col. 9, lines 33-48), and access by telephone is also obvious since telephones are more readily accessible in a hospital than a medical personnel person's designated computer, and the prescription information maybe needed at an urgent time that requires a doctor to be moving quickly and not standing near a stationary computer terminal.

Also, Kobylevsky's confirmation prompt is a form of outputting "said information... aurally", because, to output a confirmation via speech synthesis (i.e., text-to-speech), the text information has to be stored somewhere by the prescription services system to be converted into sound. Since this storage location is part of the prescription services

system's memory, it can also be interpreted as a portion of all information stored by the prescription services system at the time the confirmation prompt is synthesized.

Therefore, the examiner maintains that Kobylevsky, in view of Nelson, teach the limitations of Claims 1 and 5.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claim 19 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

New Claim 19 recites a "Text to Speech [TTS] system", which is incorrectly named based on the functions that the remainder of the claim describes the "Text to Speech [TTS] system" does, which includes converting voice signals into text.

Applicant presumably accidentally reversed "Speech" and "Text", but the reversal is reasonably critical because the claim can be interpreted as intending for the synthesis device to also perform the speech recognition (i.e., Speech-to-Text) function.

Applicant's Specification describes that the TTS is used for output, and that an ASR is used for input, and so this is also inconsistent with the Specification (page 3).

For the purposes of applying art, the examiner has interpreted "Text to Speech [TTS] system" as --Speech to Text system--.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-2, 4-7, 9, 11-13, and 16-18, are rejected under 35 U.S.C. 103(a) as being unpatentable over Kobylevsky et al. (US 6,804,654), hereafter Kobylevsky, in view of Nelson (US 2003/0097262).

As per Claim 1, Kobylevsky teaches a system for accessing and updating information stored in a central location by a remote worker, said system comprising: a central store for information and a telephone for use by said remote worker to interrogate and update said store ("prescription services system... dialing... telephone... prompts the caller to provide prescription information... transcribes... records the voice prescription information... stores same for later retrieval and review by a doctor, pharmacist, or other medical personnel", col. 2, line 62 – col. 3, line 52; "stored and transcribed by prescription services system", col. 3, line 53 – col. 4, line 11; "record keeping", col. 6, lines 16-28; "text-to-speech conversion", col. 8, lines 33-48; "speech-to-text", col. 6, lines 28-60).

Kobylevsky fails to teach where the telephone is a mobile telephone and in which said mobile telephone includes a text to speech (TTS) system for enabling said information to be output aurally.

Nelson teaches where the telephone is a mobile telephone and in which said mobile telephone includes a text to speech (TTS) system for enabling said information to be output aurally ("cellular telephones... equipped with cellular capabilities", paragraph 2; "handheld computing device... having speech-to-text functionality... may also include a text-to-speech processor", paragraphs 4-5; "speech-to-text", paragraph 15; "text-to-speech...output to the user", paragraph 21)

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify Kobylevsky to include the teaching of Nelson of where the telephone is a mobile telephone and in which said mobile telephone includes a text to speech (TTS) system for enabling said information to be output aurally, in order to provide the functionality of Nelson in many different environments, as described by Nelson (paragraph 2).

As per Claim 2, Kobylevsky teaches an automatic speech recognition (ASR) system for enabling said remote worker to interrogate said store aurally ("speech-to-text", col. 6, lines 28-60; "prescription services system... dialing... telephone... prompts the caller to provide prescription information... transcribes... records the voice prescription information... stores same for later retrieval and review by a doctor, pharmacist, or other medical personnel", col. 2, line 62 – col. 3, line 52).

Kobylevsky fails to teach in which said mobile phone includes an automatic speech recognition (ASR) system.

Nelson teaches in which said mobile phone includes an automatic speech recognition (ASR) system ("cellular telephones... equipped with cellular capabilities", paragraph 2; "handheld computing device... having speech-to-text functionality... may also include a text-to-speech processor", paragraphs 4-5; "speech-to-text", paragraph 15; "text-to-speech... output to the user", paragraph 21)

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify Kobylevsky to include the teaching of Nelson of in which said mobile phone includes an automatic speech recognition (ASR) system, in order to provide the functionality of Nelson in many different environments, as described by Nelson (paragraph 2).

As per Claim 4, Kobylevsky teaches in which said information concerns medical information and said remote worker is a medical practitioner ("prescription services system... dialing... telephone... prompts the caller to provide prescription information... transcribes... records the voice prescription information... stores same for later retrieval and review by a doctor, pharmacist, or other medical personnel", col. 2, line 62 – col. 3, line 52; "stored and transcribed by prescription services system", col. 3, line 53 – col. 4, line 11; "record keeping", col. 6, lines 16-28; "text-to-speech conversion", col. 8, lines 33-48; "speech-to-text", col. 6, lines 28-60).

As per Claims 5-7, 9, 11-13, and 16-19, the limitations are similar to those in Claims 1-2 and 4, and so are rejected under similar rationale.

3. Claims 3, 8, 10, and 14-15 rejected under 35 U.S.C. 103(a) as being unpatentable over Kobylevsky, in view of Nelson, as applied to Claims 1 and 5, above, and further in view of Garrison (US 2002/0069355, cited in IDS).

As per Claim 8, Kobylevsky, in view of Nelson, fail to teach encrypting said information before accessing and updating.

Garrison teaches encrypting said information before accessing and updating ("query for the database system... The server encrypts the requested data and transmits the encrypted data to the client", paragraph 14; "encrypt a request", paragraph 49; where Garrison teaches where the user input and the information being transferred to the user are both encrypted, and so, when applied to Kobylevsky, the updating of the database [by entering prescription information, for example] is encrypted, as is the materials transferred to the user for review, for example).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify Kobylevsky, in view of Nelson, to include the teaching of Garrison of encrypting said information before accessing and updating, in order to prevent information from being accessed by unauthorized users, as described by Garrison (paragraph 3).

As per Claims 3, 10, and 14-15, their limitations are similar to those in Claim 8, and so are rejected under similar rationale.

Conclusion

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric Yen whose telephone number is 571-272-4249.

The examiner can normally be reached on M-F 7:30-4:00.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Edouard can be reached on 571-272-7603. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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EY 2/19/08


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SUPERVISORY PATENT EXAMINER